

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KATHY DREW KING,
Regional Director of Region 29
Of the National Labor Relations
Board for and on behalf of the
National Labor Relations Board,

Petitioner,

v.

AMAZON.COM SERVICES LLC,

Respondent.

Case No.: 1:22-cv-01479-DG-SJB

**DECLARATION OF CHRISTOPHER J. MURPHY IN SUPPORT OF
BRIEF IN OPPOSITION TO THE BOARD'S AMENDED PETITION FOR
A SECTION 10(j) INJUNCTION**

I, CHRISTOPHER J. MURPHY, hereby declare as follows:

1. My name is Christopher J. Murphy. I am a senior attorney at Morgan, Lewis & Bockius LLP. I represent respondent Amazon.com Services, LLC ("Amazon") in the above-captioned matter. I submit this declaration based on my personal knowledge. I submit this Declaration based on my personal knowledge, and in support of Amazon's Brief in Opposition to Petitioner Kathy Drew King, Regional Director of Region 29 of the National Labor Relations Board for and on behalf of the National Labor Relations Board's ("Board") Amended Petition for a Section 10(j) Injunction in the above-captioned matter.

2. In support of its Opposition, Amazon is submitting various excerpts from the depositions of the four affiants (Gerald Bryson, Derrick Palmer, Christian Smalls and Tristian Martinez) on whom the Board relies in this matter. Magistrate Judge Bulsara previously denied

the Board's motion for a protective order and to seal the affiants' deposition testimony by Order dated July 5, 2022. While Amazon agrees with Judge Bulsara that the deposition testimony is not confidential and should not be sealed, out of an abundance of caution, Amazon is filing the deposition excerpts identified below under seal on a provisional basis. If the Board argues in its Reply Brief that these materials should be sealed permanently, Amazon respectfully requests the opportunity to submit a short sur-reply (not to exceed 5 pages of argument) limited to this issue.

3. Attached hereto as Exhibit A is a true and correct copy of selected portions of Declarant Gerald Bryson's deposition transcript, dated May 23, 2022.

4. Exhibit B is a Facebook Live video recorded by Mandi Velasco on April 6, 2020, which was introduced as Respondent's Exhibit 122 in the underlying unfair labor practice proceeding in Case No. 29-CA-261755. Amazon has submitted this video to the Court via thumb drive due to its size and because the video cannot be uploaded to the Court's ECF system.

5. Exhibit C is a Facebook Live video recorded by Jordan Flowers on April 6, 2020, which was introduced as Counsel for the General Counsel Exhibit 63 in the underlying unfair labor practice proceeding in Case No. 29-CA-261755. Amazon has submitted this video to the Court via thumb drive due to its size and because the video cannot be uploaded to the Court's ECF system.

6. Attached hereto as Exhibit D is a true and correct copy of selected portions of Declarant Christian Smalls' deposition transcript, dated May 25, 2022.

7. Attached hereto as Exhibit E is a true and correct copy of the Amazon Labor Union's Constitution and Bylaws, introduced as Exhibit 5 during the deposition of declarant Derrick Palmer on May 18, 2022.

8. Attached hereto as Exhibit F is a true and correct copy of excerpts of the transcript from the Election Objections, Amazon.com Services LLC, Case No. 29-RC-288020, hearing conducted on July 12, 2022.

9. Attached hereto as Exhibit G is a true and correct copy of selected portions of Declarant Derrick Palmer's deposition transcript, dated May 18, 2022.

10. Attached hereto as Exhibit H is a true and correct copy of selected portions of Declarant Tristian Martinez's deposition transcript, dated May 20, 2022.

11. Attached hereto as Exhibit I is a screenshot of a tweet from the Amazon Labor Union's public Twitter account, @amazonlabor, dated November 13, 2021.

12. Exhibit J is a video posted by the Amazon Labor Union's public TikTok account, @amazonlaborunion, dated February 2, 2022.

13. Attached hereto as Exhibit K is a screenshot of a tweet from Christian Smalls' public Twitter account, @Shut_downAmazon, dated February 5, 2022.

14. Attached hereto as Exhibit L is a true and correct excerpt of the National Labor Relations Board's Unfair Labor Practice Casehandling Manual obtained from the NLRB's website, <https://www.nlr.gov/sites/default/files/attachments/pages/node-174/ulp-manual-june-2022.pdf>.

15. Attached hereto as Exhibit M is a true and correct copy of the National Labor Relations Board's press release dated August 19, 2021, announcing General Counsel Jennifer Abruzzo's release of a memorandum on the importance of Section 10(j) injunctions.

16. Attached hereto as Exhibit N is a true a correct copy of a New York Times article, *NLRB Sues Amazon over labor practices at a Staten Island facility*, authored by Karen Weise and published on March 17, 2022.

17. Attached hereto as Exhibit O is a true and correct copy of a The Verge article, *The NLRB is suing Amazon to get a fired activist his job back*, authored by Mitchell Clark and published on March 17, 2022.

18. Attached hereto as Exhibit P is a screenshot of a tweet from the Amazon Labor Union's public Twitter account, @amazonlaor, dated March 17, 2022.

19. Attached hereto as Exhibit Q is a screenshot of a tweet from the Amazon Labor Union's public Twitter account, @amazonlabor, dated April 2, 2022.

20. Attached hereto as Exhibit R is a true and correct copy of the transcript from The Daily podcast, *How Two Friends Beat Amazon and Built a Union*, dated April 11, 2022 and was introduced as Smalls Exhibit 11 in Christian Smalls' May 25, 2022 deposition.

21. Attached hereto as Exhibit S is a screenshot of a tweet from President Joseph Biden's public Twitter account, @POTUS, dated May 5, 2022.

22. Attached hereto as Exhibit T is a screenshot of a tweet from Christian Smalls' public Twitter account, @Shut_downAmazon, dated July 1, 2022.

23. Attached hereto as Exhibit U is a screenshot of a tweet from the Amazon Labor Union's public Twitter account, @amazonlabor, dated July 16, 2022.

24. Attached hereto as Exhibit V is a true and correct copy of Amazon's Exceptions to the Administrative Law Judge's Decision filed on May 31, 2022, in NLRB Case No. 29-CA-261755.

25. Attached hereto as Exhibit W is a true and correct copy of Amazon's Brief in Support of Exceptions to the Administrative Law Judge's Decision filed on May 31, 2022, in NLRB Case No. 29-CA-261755.

26. Attached hereto as Exhibit X is a true and correct copy of an Order from the Executive Secretary's Office at the National Labor Relations Board granting Counsel for the General Counsel a 6-week extension to file its Answering Brief to Amazon's Exceptions to the Administrative Law Judge's Decision.

27. Attached hereto as Exhibit Y is a true and correct copy of National Labor Relations Board General Counsel Jennifer Abruzzo's February 1, 2022 memorandum, *Seeking 10(j) Injunctions in Response to Unlawful Threats or Other Coercion During Union Organizing Campaigns*, from the NLRB's website, <https://www.nlr.gov/guidance/memos-research/general-counsel-memos>.

I declare under the penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on July 22, 2022

/s/ Christopher J. Murphy
Christopher J. Murphy